

From: Hickson, Nina R.
Sent: Thursday, March 21, 2019 4:46 PM
To: Sengova, Jabu <jsengova@AtlantaGa.Gov>
Cc: Noble, Amanda <ANoble@AtlantaGa.Gov>; Denius, Kristen <kdenius@AtlantaGa.Gov>; Hayes, Tye <thayes@atlantaga.gov>
Subject: RE: ORR Request - Internal

Please do. I would urge you to review the caselaw on this matter. Again, if the US Department of Justice cannot require the City to provide unredacted emails, neither can the Ethics Board, City Council or anyone else in the City. Production would have to be by Court order. The privilege belongs to the individual who is seeking the advice. For example, if the Council President seeks legal advice and it is provided in writing ,no one has the right to get a copy of that advice unless she waives the privilege. Therefore, any email containing that advice would be subject to redaction.

To be clear, I am instructing AIM that the emails needs to be reviewed by the Law Department so that the Law Department can meet its ethical and professional obligation to protect the privilege on behalf of its clients, individually and collectively.

The law firm is the custodian of this information because much of it has been recovered by the law firm in conjunction with the DOJ investigation.

Nina R. Hickson| City Attorney
City of Atlanta Law Department
55 Trinity Avenue, SW, Suite 5000, Atlanta, GA 30303
Office: 404-546-4084 | Cell: 470-728-0407

Email: NinaRHickson@atlantaga.gov

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From: Sengova, Jabu <jsengova@AtlantaGa.Gov>

Sent: Thursday, March 21, 2019 4:35 PM

To: Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>

Cc: Hayes, Tye <thayes@AtlantaGa.Gov>; Rouse, Merien M <MROuse@AtlantaGa.Gov>; Noble, Amanda <ANoble@AtlantaGa.Gov>; Denius, Kristen <kdenius@AtlantaGa.Gov>

Subject: RE: ORR Request - Internal

Nina,

I disagree as we are the City, and not a third party, and the attorney-client privilege you are asserting has no legal basis and we will not accept redacted emails. Further, I'm not clear why outside counsel is providing emails to the Ethics Office, as opposed to AIM, as we are a city agency. That said, if you are directing AIM not to release the unredacted emails to the Ethics Office, and we cannot conduct our investigation without interference from Law, (which sets a dangerous precedence) I will determine our next steps.

Thanks,

Jabu M. Sengova | Ethics Officer



City of Atlanta | Ethics Office

68 Mitchell Street, S.W. Suite 1100 | Atlanta, Georgia 30303

Office: 404-865-8643

E-Mail: jsengova@atlantaga.gov

Web: www.atlantaethics.org

INTEGRITY HOTLINE: 1-800-884-0911

From: Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>

Sent: Thursday, March 21, 2019 4:02 PM

To: Sengova, Jabu <jsengova@AtlantaGa.Gov>

Cc: Hayes, Tye <thayes@AtlantaGa.Gov>; Rouse, Merien M <MROuse@AtlantaGa.Gov>; Noble, Amanda <ANoble@AtlantaGa.Gov>; Denius, Kristen <kdenius@AtlantaGa.Gov>

Subject: RE: ORR Request - Internal

The fact that you are an internal agency does not eliminate the existence of the attorney-client privilege. If there have been communications between any of these individuals and any attorneys in the City Attorney's office pursuant to a legal matter where advice has been given, that information is subject to the privilege. At no time did I indicate that you could not receive the emails; however, the Law Department would need to review them so that they can be appropriately redacted. Even when we provide information to the United States Department of Justice, we redact information which can be classified as attorney-client privilege. The danger with a failure to do so is that in future

matters which may even be unrelated, a 3rd party can argue that the privilege has been previously waived and therefore cannot be asserted by the entity or person seeking the information.

You will receive the emails, they just may have items redacted.

On a related note, the resolution passed by the Council is not an official action until either signed by the Mayor or if it becomes an official action of the Mayor by her failure to take an action 10 days after the matter is voted on by the Council. The March 18, 2019 action directing the investigation is not yet an official action.

**Nina R. Hickson| City Attorney
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From: Sengova, Jabu <jsengova@AtlantaGa.Gov>
Sent: Thursday, March 21, 2019 3:48 PM
To: Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>
Cc: Hayes, Tye <thayes@AtlantaGa.Gov>; Rouse, Merien M <MRouse@AtlantaGa.Gov>; Noble, Amanda <ANoble@AtlantaGa.Gov>
Subject: RE: ORR Request - Internal

Perhaps you can clarify further because we are an internal agency and conducting an official city investigation so I'm not clear why we are not able to view the emails. We are not releasing the emails to another party so again, I'm confused as this has never been the case in the past. We need to view the emails to thoroughly conduct the investigation requested by Council.

Thank you,

Jabu M. Sengova | Ethics Officer



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Web: www.atlantaethics.org

INTEGRITY HOTLINE: 1-800-884-0911

From: Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>
Sent: Thursday, March 21, 2019 3:41 PM

To: Sengova, Jabu <jsengova@AtlantaGa.Gov>
Cc: Hayes, Tye <thayes@AtlantaGa.Gov>; Rouse, Merien M <MROuse@AtlantaGa.Gov>
Subject: FW: ORR Request - Internal

Jabu,
I just received a copy of this request which went to AIM and then to outside counsel. I am not familiar with Mr. Mason, so I did not reach out to him. However, because there are potential communications in these emails which are protected from disclosure because of the attorney-client privilege, I would request that the Law Department be copied on any such requests in the future such that the attorney-client privilege can be protected. We are not trying to prevent you from receiving what you are seeking; however, I have an obligation to preserve the privilege which belongs to the client and which I nor anyone else can waive. Release of the potential attorney-client privilege materials can result in a total waiver of the privilege and make such material available to other third parties. We will need to review the emails before they are released to the Ethics Officer so that attorney-client privilege information is redacted.

Nina R. Hickson| City Attorney
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55 Trinity Avenue, SW, Suite 5000, Atlanta, GA 30303
Office: 404-546-4084 | Cell: 470-728-0407
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From: Castro, Ercy <ecastro@bakerdonelson.com>
Sent: Thursday, March 21, 2019 3:29 PM
To: Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>
Cc: Frazier, C. Elisia <cefrazier@AtlantaGa.Gov>; Gevertz, David <dgevertz@bakerdonelson.com>
Subject: Fwd: ORR Request - Internal

FYI.

Thanks,

Ercy M. Castro
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
Phone [678.406.8732](tel:678.406.8732)

Begin forwarded message:

From: "Foster- Whitestone, Gayla" <gfwitestone@AtlantaGa.Gov>
Date: March 21, 2019 at 11:25:31 AM EDT
To: Ercy Castro <ecastro@bakerdonelson.com>
Cc: Open Records IT <OpenRecords-IT@AtlantaGa.Gov>, "Hayes, Tye" <thayes@AtlantaGa.Gov>, "Wilson, Melanie C." <MCWilson@AtlantaGa.Gov>, "Rouse, Merien M" <MROuse@AtlantaGa.Gov>,

"Mason, Larry" <LLMason@AtlantaGa.Gov>

Subject: ORR Request - Internal

Good Afternoon Ercy,

Following request is from our Ethics department. They have requested that the data be placed on an external drive.

- **Employee # 23823 – Candace Byrd** (CByrd@AtlantaGa.Gov) The time period for which we are seeking the email records is **January 1, 2014 to April 2018**.
- **Employee # 25828 – Gabrielle Sanders** (gasanders@AtlantaGa.Gov) The time period for which we are seeking the email records is **September 1, 2014 to April 2018**
- **Employee # 41710 – Marva Lewis** (malewis@AtlantaGa.Gov) The time period for which we are seeking the email records is **December 1, 2017 to February 2019**
- **Employee # 23095 – Donna Dobbs** (DDobbs@AtlantaGa.Gov) The time period for which we are seeking the email records is **September 1, 2017 to April 2018**
- **Employee # 33335 – Yvonne Yancy** (yyancy@AtlantaGa.Gov) The time period for which we are seeking the email records is **January 1, 2017 to January 2018**
- **Employee # 37962 – Angela Addison** (AAddison@AtlantaGa.Gov) The time period for which we are seeking the email records is **September 1, 2017 to April 2018**
- **Employee # 19236 – Sherri Dickerson** (SDickerson@AtlantaGa.Gov) The time period for which we are seeking the email records is **November 1, 2017 to July 2018**
- **Employee # 34133 – James Beam** (JBeam@AtlantaGa.Gov) The time period for which we are seeking the email records is **September 1, 2017 to April 2018**

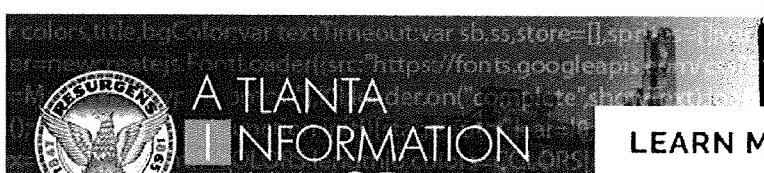
Thank you.



Gayla Foster Whitestone
Executive Assistant, City of Atlanta
www.atlantaga.gov | O: 404.546.7864 | C: 404.670.9727



One Team. One Dream. One AIM



From: Rouse, Merien M <MRouse@AtlantaGa.Gov>
Sent: Wednesday, March 20, 2019 3:47 PM
To: Foster- Whitestone, Gayla <gfwitestone@AtlantaGa.Gov>; Mason, Larry <LLMason@AtlantaGa.Gov>
Cc: Open Records IT <OpenRecords-IT@AtlantaGa.Gov>
Subject: RE: Emails Request
Importance: High

Hi Larry,

This is to acknowledge that I've seen this and I am forwarding this over the Chief Technology Officer's office for processing. You will most likely be contacted by Gayla Foster-Whitestone.

In the future, you may also forward this request to the email: Open Records IT OpenRecords-IT@AtlantaGa.Gov, as an assurance that someone will address in a timely fashion.

Have a good one!



Merien "MeMe" Rouse

IT Manager/Business Manager, City of Atlanta

www.atlantaga.gov | O: 404.546.7703 | C: 404.217.2996



One Team. One Dream. One AIM



From: Mason, Larry
Sent: Wednesday, March 20, 2019 1:39 PM
To: Rouse, Merien M <MRouse@AtlantaGa.Gov>
Subject: Emails

(NOTE: THIS TIME SENSITIVE REQUEST PERTAINS TO A PENDING ETHICS INVESTIGATION. PLEASE KEEP THIS REQUEST CONFIDENTIAL)

Ms. Rouse,

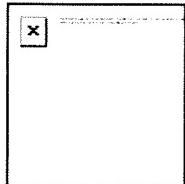
Good afternoon. In conjunction with a pending ethics investigation, I am writing to formally request from AIM all City of Atlanta email records (Outlook data files, including all inbox, sent and deleted emails) for the following city employees:

- **Employee # 23823 – Candace Byrd (CByrd@AtlantaGa.Gov)** The time period for which we are seeking the email records is **January 1, 2014 to April 2018**.
- **Employee # 41710 – Marva Lewis (malewis@AtlantaGa.Gov)** The time period for which we are seeking the email records is **December 1, 2017 to February 2019**
- **Employee # 23095 – Donna Dobbs (DDobbs@AtlantaGa.Gov)** The time period for which we are seeking the email records is **September 1, 2017 to April 2018**
- **Employee # 33335 – Yvonne Yancy (yyancy@AtlantaGa.Gov)** The time period for which we are seeking the email records is **January 1, 2017 to January 2018**
- **Employee # 37962 – Angela Addison (AAddison@AtlantaGa.Gov)** The time period for which we are seeking the email records is **September 1, 2017 to April 2018**
- **Employee # 19236 – Sherri Dickerson (SDickerson@AtlantaGa.Gov)** The time period for which we are seeking the email records is **November 1, 2017 to July 2018**
- **Employee # 25828 – Gabrielle Sanders (gasanders@AtlantaGa.Gov)** The time period for which we are seeking the email records is **September 1, 2014 to April 2018**

- **Employee # 34133 – James Beam** (JBeam@AtlantaGa.Gov) The time period for which we are seeking the email records is **September 1, 2017 to April 2018**

Thank you as always for your assistance. Please let me know if you have any questions regarding this request.

Larry Mason, | Investigator



City of Atlanta, Ethics Office
68 Mitchell Street, S.W. Suite 1
Mobile: (404) 801-8453
Main: (404) 330-6286
E-Mail: llmason@atlantaga.gov
Web: www.atlantaethics.org

INTEGRITY HOTLINE: 1-800-884-0911